

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT

12/06/2011

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
T. Henninger
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ
JONATHON SCOTT DUTCHER
PETER KOZINETS

v.

JODI ANN ARIAS (001)

VICTORIA ELISABETH WASHINGTON
KIRK NURMI

CAPITAL CASE MANAGER
VICTIM SERVICES DIV-CA-CCC

RULING

The Court has considered Defendant's Motion for Protective Order filed November 15, 2011, In Session's Response in Opposition to Defendant's Motion for a Protective Order dated December 1, 2011, Sheriff Arpaio's Joinder in In Session's Response in Opposition to Defendant's Motion for a Protective Order dated December 2, 2011, Defendant's Reply to the Opposition to Protective Order Filed by In Session and the Maricopa County Sheriff's Office dated December 5, 2011, and the oral argument presented on November 21, 2011 and December 6, 2011.

The Court finds Defendant failed to identify any statement or act which would support the need for a protective order as requested. The Court further finds Defendant failed to establish any statements were made, or that there is any risk of such statements being made, that could affect the defendant's right to a fair trial. The Court further finds that ethical rules and agency policies and practices are in place to assure that the Defendant's rights are not violated as suggested by the Defendant. The Defendant's concerns regarding pretrial publicity impacting the jury pool is too remote to warrant the imposition of a protective order under these

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circumstances. There are other means for addressing the effect of pretrial publicity on the jury pool.

The Court having found the Defendant failed to establish that a protective warrant is necessary in this case,

IT IS ORDERED denying the Defendant's Motion for Protective Order.

IT IS FURTHER ORDERED quashing the temporary order issued on November 16, 2011.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.